

FILED
MISSOULA, MT

2007 OCT 19 PM 4 08

PATRICK E. DUFFY

BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 07-52-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
MARIO PEREZ-CHAVEZ,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 25, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

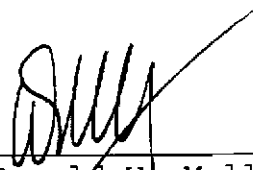
Judge Lynch recommended this Court accept Perez-Chavez's

guilty plea after Perez-Chavez appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to illegal reentry of a deported alien in violation of 8 U.S.C. § 1326(a).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #20) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #12) is GRANTED.

DATED this 19th day of October, 2007.



Donald W. Molloy, Chief Judge
United States District Court
